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20 <u>IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</u>

Serial No.

10/823,951

Confirmation No.:

5451

Inventor

Frank W. Daly, Jr.

Filed

April 13, 2004

25 TC/A.U.

2857

Examiner

Anthony Gutierrez

Docket No.

543-99-036 CIP

Customer No.:

00128

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Cover Sheet for

Information Disclosure Statement Under 37 C.F.R. § 1.56

40 Commissioner for Patents:

In accordance with 37 C.F.R. §§ 1.56 and 1.97 through 1.98, Applicant wishes to make known to the Patent and Trademark Office the references set forth on the attached form PTO-SB08 (copies of the cited non-US patent and patent application references are enclosed). As to any reference supplied, Applicant does not admit that it is "prior art" under 35 U.S.C. §§ 102 or

08/22/2005 RMEBRAHT 00000010 10823951

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Page 1 of 2

Serial No.: 10/823,951

Information Disclosure dated: August 17, 2005

103, and specifically reserves the right to traverse or antedate any such reference, as by a showing under 37 C.F.R. § 1.131 or other method. Although the aforesaid references are made known to the Patent and Trademark Office in compliance with Applicant's duty to disclose all information he is aware of which is believed relevant to the examination of the above-identified application.

5 Applicant believes that his invention is patentable. Please acknowledge receipt of this Information Disclosure Statement and kindly make the cited references of record in the above-identified application.

The instant Information Disclosure Statement is being filed under the conditions set forth in 37 CFR § 1.97(d) after the period specified in 37 CFR § 1.97(c) but before payment of the issue fee and is accompanied by the following statement specified in 37 CFR § 1.97(e):

Each item of information contained in the instant Information Disclosure Statement was first cited in a search report prepared by the International Searching Authority in a counterpart application filed under the Patent Cooperation Treaty in a Search Report mailed on June 17, 2005, not more than three (3) months prior to the filing of the instant Information Disclosure Statement.

Additionally, the fee set forth in 37 CFR § 1.17(p) is enclosed herewith.

If the Examiner has questions or wishes to discuss any aspect of the case, the Examiner is encouraged to contact the undersigned at the telephone number given below.

Respectfully submitted,

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Attornev:

Charles J. Rupnick

Registration No.:

43.068

Date:

August 17, 2005

Post Office Address:

PO Box 46752

Seattle, WA 98146 Phone Number:

(206)439-7956

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Substitute for form 1449A/PTO

AUG 1 9 2005 INFORMATION DIS LOSURE

Complete if Known **Application Number** 10/823,951 April 13, 2004 Filing Date Frank W. Daly, Jr. First Named Inventor 2857 Art Unit Z

STATEMENT BY APPLICAT

(use as many sheets as necessary)

Sheet	1	of	1

Examiner Name	Anthony Gutterre
Attorney Docket Number	543-99-036 CIP

			U.S. PATE	NT DOCUMENTS	
Examiner Initials		Ducument Number Number - Kind Code ² (if <i>known</i>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1	us- 5,959,567	09-28-1999	Wolfson, et al.	
-,	2	us- 5,262,782	11-16-1993	Rubin, et al.	
	3	us- 5,739,770	04-14-1998	Liden	
	4	us- 5,392,048	02-21-1995	Michie	
. **** * * * * * * * * * * * * * * * *	5	us- 4,940,987	07-10-1990	Frederick	
e de le des les c	6	us- 5,198,819	03-30-1993	Susnjara	
C. H CHE H. J C.	7	us- 5,717,589	02-10-1998	Thompson, et al.	
	8	us- 4.811.230	03-07-1989	Graham, et al.	
	9	us- 4,760,530	07-26-1988	Liden	
.,	10	us- 4,774,670	09-27-1988	Palmieri	A SERVICE CONTRACTOR OF THE STREET
to the action of an engineer	11	us- 5,051,910	09-24-1991	Liden	
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	FOREIGN PATENT DOCUMENTS							
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Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

AUG 1 9 2005	TRANS	MPTAL RM pandence efter initial filing)	U.S. Paterns are required to respond to a collection Application Number Filing Date First Named Inventor Art Unit Examiner Name Attorney Docket Number	Approved for use through 07/31/2006. OMB 0651-0031 trand Trademark Office; U.S. DEPARTMENT OF COMMERCE in of information unless it displays a valid OMB control number. 10/823,951 April 13, 2004 Frank W. Daly, Jr. 2857 Anthony Gutierrez
PRADEMARY	Total Number of Pages in	This Submission 6		543-99-036 CIP
		ENC	LOSURES (Check all that	apply)
	Extension of Time Express Abandon Information Disclo Certified Copy of I Document(s) Response to Miss Incomplete Applic	declaration(s) Request ment Request sure Statement Priority Ing Parts/	Drawing(s) Licensing-related Papers Petition Petition to Convert to a Provisional Application Power of Attorney, Revocation Change of Correspondence Addre Terminal Disclaimer Request for Refund CD, Number of CD(s)	After Allowance communication to Technology Center (TC) Appeal Communication to Board of Appeals and Interferences Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) Proprietary Information Status Letter Other Enclosure(s) (please Identify below): 2 Return Receipt Postcards
		SIGNATURE C	F APPLICANT, ATTORNI	EY, OR AGENT
	Signaturo	arles J. Rupnick (f January) gust 17, 2005	Reg. No.: 43,068)	
'		CERTIFIC	CATE OF TRANSMISSION	MAILING
	I hereby certify that this co sufficient postage as first of the date shown below. Typed or printed name	prrespondence is being facsi	mile transmitted to the USPTO or	deposited with the United States Postal Service with ents, P.O. Box 1450, Alexandria, VA 22313-1450 on
	Typod or printed field	Charles J. Rupr	nick	
	Signature	Volas	Rugh	Date August 17, 2005
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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USP 10 process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-03)
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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 180

espond to a collection of information unless it displays a valid Civib control number.				
Complete if Known				
Application Number	10/823,951			
Filing Date	April 13, 2004			
First Named Inventor	Frank W. Daly, Jr.			
Examiner Name	2857			
Art Unit	Anthony Gutierrez			
Attorney Docket No.	543-99-036 CIP			

METHOD OF PAYMENT (check all that apply)	FEE CALCULATION (continued)			
Check Credit card Money Other None	3. ADDITIONAL FEES			
Deposit Account:	Large Entity Small Entity			
Deposit	Fee Fee Fee Fee Description	Fee Paid		
Account Number	1051 130 2051 65 Surcharge - late filing fee or oath			
Deposit Account	1052 50 2052 25 Surcharge - late provisional filing fee or cover sheet			
Name The Director is authorized to: (check all that apply)	1053 130 1053 130 Non-English specification			
Charge fee(s) indicated below Credit any overpayments	1812 2,520 1812 2,520 For filing a request for ex parte reexamination			
Charge any additional fee(s) or any underpayment of fee(s)	1804 920" 1804 920" Requesting publication of SIR prior to Examiner action			
Charge fee(s) indicated below, except for the filing fee	1005 1,040* 1005 1,040* Requesting publication of SIR after Examiner action			
to the above-identified deposit account.	1251 110 2251 55 Extension for reply within first month			
FEE CALCULATION	1252 420 2252 210 Extension for reply within second month			
1. BASIC FILING FEE Large Entity Small Entity	1253 950 2253 475 Extension for reply within third month			
Fee Fee Fee Fee Pee Description Fee Paid	1254 1,480 2254 740 Extension for reply within fourth month			
Code (\$) Code (\$) 1001 770 2001 385 Utility filing fee	1255 2,010 2255 1,005 Extension for reply within fifth month			
1002 340 2002 1/0 Design filing fee	1401 330 2401 165 Notice of Appeal			
1003 530 2003 265 Plant filing fee	1402 330 2402 165 Filing a brief in support of an appeal			
1004 770 2004 385 Reissue filing fee	1403 290 2403 145 Request for oral hearing			
1005 160 2005 80 Provisional filing fee	1451 1,510 1451 1,510 Petition to institute a public use proceeding	[
SUBTOTAL (1) (\$)	1452 110 2452 55 Petition to revive - unavoidable			
	1453 1,330 2453 665 Petition to revive - unintentional			
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE	1501 1,330 2501 665 Utility issue fee (or reissue)			
Extra Claims below Fee Paid	d 1502 480 2502 240 Design issue fee			
Total Claims 20* = X =	1503 640 2503 320 Plant issue fee			
Claims - 3** = - X - 4 -	1460 130 1460 130 Petitions to the Commissioner			
Multiple Dependent	1807 50 1807 50 Processing fee under 37 CFR 1.17(q)			
Large Entity Small Entity	1806 180 1806 180 Submission of Information Disclosure Stmt	180		
Fee Fee Fee Fee Fee Description Code (\$)	8021 40 8021 40 Recording each patent assignment per property (times number of properties)			
1202	1809 770 2809 385 Filing a submission after final rejection (37 CFR 1.129(a))			
1203 290 2203 145 Multiple dependent claim, if not paid	1810 770 2810 385 For each additional invention to be	. ,		
1204 86 2204 43 ** Reissue independent claims over original patent	examined (37 CFR 1.129(b)) 1001 770 2801 305 Request for Continued Examination (RCE)			
1205 18 2205 9 ** Reissue daims in excess of 20 and over original patent	1802 900 1802 900 Request for expedited examination of a design application			
<u> </u>	Other fee (specify)	1		
**or number previously paid, if greater, For Reissues, see above	*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$)	180		

SUBMITTED BY (Complete (# applicable))				applicable))	
Name (Print/Type)	Charles J. Rupnick	Registration No.	43,068	Telephone	206-439-7956
Signature	(Marles Hu)			Date	August 17, 2005

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This collection of information is required by 37 OFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.